IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION
Dated: Nainital: the 19th day of September 2005
Bail application no. 798 of 2005
Order on the bail application of accused

CRIMINAL SIDE

Inder S/o Chajju
R/o Village Jaurasi
P.S. Kotwali Roorkee
District Haridwar …Applicant

Versus

State of Uttaranchal …Opposite Party

Arising out of Case Crime No. 123 of 2005
Under Section 302, 307 I.P.C.
P.S. Kotwali Roorkee
District Haridwar

By the court

Hon'ble B.C. Kandpal, J

The applicant has applied for bail in case crime No. 123 of 2005 under Sections 302 and 307 of I.P.C. Police Station Kotwali Roorkee, District Haridwar

Heard Sri Navneet Kaushik, learned counsel for the applicant, Ms. Jyotsana, learned counsel for the complainant, learned A.G.A. and perused the record.

As per the First Information Report, the application along with other co-accused Surendra, Jai Prakash and Subhash were armed with licenced gun, country made pistol and Tabal and they assaulted at the complainant side with their arms with the result Suresh died at the spot and Yeshpal, Rajendra and Deepak sustained injured on their persons.

The postmortem report of the deceased Suresh shows that he sustained only one gunshot injury/ wound on his person while the injury report of other injured persons shows that none of the persons has sustained the injuries by firearm. The injured in their statements under Section 161 Cr.P.C. has also stated that it was the applicant Inder- co-accused Surendra and Jai

Prakash who were armed with gun and they fired at the complainant side with their gun while Subhash was armed Tabal and he assaulted the complainant side with Tabal.

At this stage, on the basis of the evidence collected by the Investgating Officer, it is not clear that which of the accused is responsible for causing the death of the deceased.

The applicant has also averred in the bail application that there is a cross version from the side of the accused/ applicant and the applicant –Inder also sustained injuries during the course of the incident as he was medically examined on the same day and his three ribs were found fractured.

Keeping in view the medical examination report of the injured persons as well as postmortem report of the deceased and the medical examination report of the accused/ applicant Inder, I find it is a fit case for bail at this stage.

Let the applicant Inder be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M. concerned.

(**B.C. Kandpal, J)**

19.09.2005
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